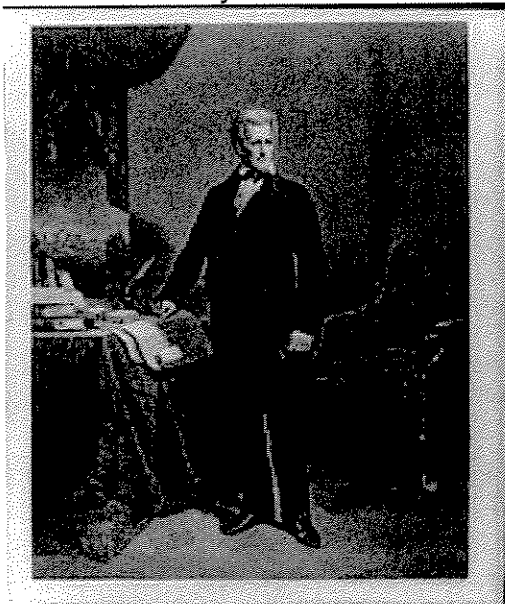


## Indian Removal Act of 1830



**The Trail of Tears**

In 1838 and 1839, as part of Andrew Jackson's Indian removal policy, the Cherokee nation was forced to give up its lands east of the Mississippi River and to migrate to an area in present-day Oklahoma. The Cherokee people called this journey the "Trail of Tears," because of its devastating effects. The migrants faced hunger, disease, and exhaustion on the forced march. Over 4,000 out of 15,000 of the Cherokees died. This picture, ***The Trail of Tears***, was painted by Robert Lindneux in 1942. It commemorates the suffering of the Cherokee people under forced removal. If any depictions of the "Trail of Tears" were created at the time of the march, they have not survived. The Cherokee call the forced march to Oklahoma "***Nunna daul Tsuny***." That translates into English as "*trail where they cried*."



**President Andrew Jackson**

Early in the 19th century, while the rapidly-growing United States expanded into the lower South, white settlers faced what they considered an obstacle. This area was home to the Cherokee, Creek, Choctaw, Chickasaw and Seminole nations. These Indian Nations, in the view of the settlers and many other white Americans, were standing in the way of progress. Eager for land to raise cotton, the settlers pressured the federal government to acquire Indian territory.

Andrew Jackson, from Tennessee, was a forceful proponent of Indian removal. In 1814 he commanded the U.S. military forces that defeated a faction of the Creek nation. In their defeat, the Creeks lost 22 million acres of land in southern Georgia and central Alabama. The U.S. acquired more land in 1818 when, spurred in part by the motivation to punish the Seminoles for their practice of harboring fugitive slaves, Jackson's troops invaded Spanish Florida.

From 1814 to 1824, Jackson was instrumental in negotiating nine out of eleven treaties which divested the southern tribes of their eastern lands in exchange for lands in the west. The tribes agreed to the treaties for strategic reasons. They wanted to appease the government in the hopes of retaining some of their land, and they wanted to protect themselves from white harassment. As a result of the treaties, the United

States gained control over three-quarters of Alabama and Florida, as well as parts of Georgia, Tennessee, Mississippi, Kentucky and North Carolina. This was a period of voluntary Indian migration, however, and only a small number of Creeks, Cherokee and Choctaws actually moved to the new lands.

In 1823 the Supreme Court handed down a decision which stated that Indians could occupy lands within the United States, but could not hold title to those lands. This was because their "right of occupancy" was subordinate to the United States' "right of discovery." In response to the great threat this posed, the Creeks, Cherokee, and Chickasaw instituted policies of restricting land sales to the government. They wanted to protect what remained of their land before it was too late.

Although the five Indian nations had made earlier attempts at resistance, many of their strategies were non-violent. One method was to adopt Anglo-American practices such as large-scale farming, Western education, and slave-holding. This earned the nations the designation of the "Five Civilized Tribes." They adopted this policy of assimilation in an attempt to coexist with settlers and ward off hostility. But it only made whites jealous and resentful.

Other attempts involved ceding portions of their land to the United States with a view to retaining control over at least part of their territory, or of the new territory they received in exchange. Some Indian nations simply refused to leave their land -- the Creeks and the Seminoles even waged war to protect their territory. The First Seminole War lasted from 1817 to 1818. The Seminoles were aided by fugitive slaves who had found protection among them and had been living with them for years. The presence of the fugitives enraged white planters and fueled their desire to defeat the Seminoles.

The Cherokee used legal means in their attempt to safeguard their rights. They sought protection from land-hungry white settlers, who continually harassed them by stealing their livestock, burning their towns, and squatting on their land. In 1827 the Cherokee adopted a written constitution declaring themselves to be a sovereign nation. They based this on United States policy; in former treaties, Indian nations had been declared sovereign so they would be legally capable of ceding their lands. Now the Cherokee hoped to use this status to their advantage. The state of Georgia, however, did not recognize their sovereign status, but saw them as tenants living on state land. The Cherokee took their case to the Supreme Court, which ruled against them.

The Cherokee went to the Supreme Court again in 1831. This time they based their appeal on an 1830 Georgia law which prohibited whites from living on Indian territory after March 31, 1831, without a license from the state. The state legislature had written this law to justify removing white missionaries who were helping the Indians resist removal. The court this time decided in favor of the Cherokee. It stated that the Cherokee had the right to self-government, and declared Georgia's extension of state law over them to be unconstitutional. The state of Georgia refused to abide by the

Court decision, however, and President Jackson refused to enforce the law.

In 1830, just a year after taking office, Jackson pushed a new piece of legislation called the "Indian Removal Act" through both houses of Congress. It gave the president power to negotiate removal treaties with Indian tribes living east of the Mississippi. Under these treaties, the Indians were to give up their lands east of the Mississippi in exchange for lands to the west. Those wishing to remain in the east would become citizens of their home state. This act affected not only the southeastern nations, but many others further north. The removal was supposed to be voluntary and peaceful, and it was that way for the tribes that agreed to the conditions. But the southeastern nations resisted, and Jackson forced them to leave.

Jackson's attitude toward Native Americans was paternalistic and patronizing -- he described them as children in need of guidance. and believed the removal policy was beneficial to the Indians. Most white Americans thought that the United States would never extend beyond the Mississippi. Removal would save Indian people from the depredations of whites, and would resettle them in an area where they could govern themselves in peace. But some Americans saw this as an excuse for a brutal and inhumane course of action, and protested loudly against removal.

Their protests did not save the southeastern nations from removal, however. The Choctaws were the first to sign a removal treaty, which they did in September of 1830. Some chose to stay in Mississippi under the terms of the Removal Act. But though the War Department made some attempts to protect those who stayed, it was no match for the land-hungry whites who squatted on Choctaw territory or cheated them out of their holdings. Soon most of the remaining Choctaws, weary of mistreatment, sold their land and moved west.

For the next 28 years, the United States government struggled to force relocation of the southeastern nations. A small group of Seminoles was coerced into signing a removal treaty in 1833, but the majority of the tribe declared the treaty illegitimate and refused to leave. The resulting struggle was the Second Seminole War, which lasted from 1835 to 1842. As in the first war, fugitive slaves fought beside the Seminoles who had taken them in. Thousands of lives were lost in the war, which cost the Jackson administration approximately 40 to 60 million dollars -- ten times the amount it had allotted for Indian removal. In the end, most of the Seminoles moved to the new territory. The few who remained had to defend themselves in the Third Seminole War (1855-58), when the U.S. military attempted to drive them out. Finally, the United States paid the remaining Seminoles to move west.

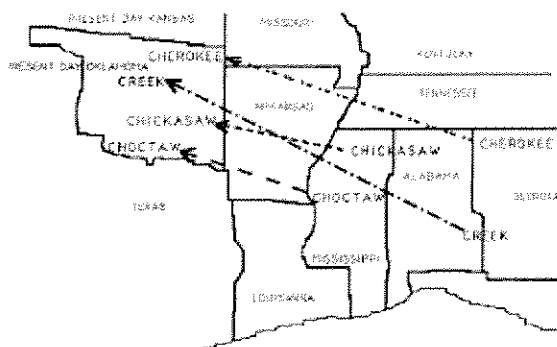
The Creeks also refused to emigrate. They signed a treaty in March, 1832, which opened a large portion of their Alabama land to white settlement, but guaranteed them protected ownership of the remaining portion, which was divided among the leading families. The government did not protect them from speculators, however, who quickly cheated them out of their lands. By 1835 the destitute Creeks began stealing livestock and crops from white settlers. Some eventually committed arson and murder in

retaliation for their brutal treatment. In 1836 the Secretary of War ordered the removal of the Creeks as a military necessity. By 1837, approximately 15,000 Creeks had migrated west. They had never signed a removal treaty.

The Chickasaws had seen removal as inevitable, and had not resisted. They signed a treaty in 1832 which stated that the federal government would provide them with suitable western land and would protect them until they moved. But once again, the onslaught of white settlers proved too much for the War Department, and it backed down on its promise. The Chickasaws were forced to pay the Choctaws for the right to live on part of their western allotment. They migrated there in the winter of 1837-38.

The Cherokee, on the other hand, were tricked with an illegitimate treaty. In 1833, a small faction agreed to sign a removal agreement: the Treaty of New Echota. The leaders of this group were not the recognized leaders of the Cherokee nation, and over 15,000 Cherokees -- led by Chief John Ross -- signed a petition in protest. The Supreme Court ignored their demands and ratified the treaty in 1836. The Cherokee were given two years to migrate voluntarily, at the end of which time they would be forcibly removed. By 1838 only 2,000 had migrated; 16,000 remained on their land. The U.S. government sent in 7,000 troops, who forced the Cherokees into stockades at bayonet point. They were not allowed time to gather their belongings, and as they left, whites looted their homes. Then began the march known as the Trail of Tears, in which 4,000 Cherokee people died of cold, hunger, and disease on their way to the western lands.

By 1837, the Jackson administration had removed 46,000 Native American people from their land east of the Mississippi, and had secured treaties which led to the removal of a slightly larger number. Most members of the five southeastern nations had been relocated west, opening 25 million acres of land to white settlement and to slavery.



### **The Removal Act 28 May 1830**

*An Act to provide for an exchange of lands with the Indians residing in any of the states or territories, and for their removal west of the river Mississippi.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States, west of the river Mississippi, not included in any state or organized territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there; and to cause each of said districts to be so described by natural or artificial marks, as to be easily distinguished from every other.*

*And be it further enacted, That it shall and may be lawful for the President to exchange any or all of such districts, so to be laid off and described, with any tribe or nation of Indians now residing within the limits of any of the states or territories, and with which the United States have existing treaties, for the whole or any part or portion of the territory claimed and occupied by such tribe or nation, within the bounds of any one or more of the states or territories, where the land claimed and occupied by the Indians, is owned by the United States, or the United States are bound to the state within which it lies to extinguish the Indian claim thereto.*

*And be it further enacted, That in the making of any such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them; and if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always*, That such lands shall revert to the United States, if the Indians become extinct, or abandon the same.*

*And be it further enacted, That if, upon any of the lands now occupied by the Indians, and to be exchanged for, there should be such improvements as add value to the land claimed by any individual or individuals of such tribes or nations, it shall and may be lawful for the President to cause such value to be ascertained by appraisement or otherwise, and to cause such ascertained value to be paid to the person or persons rightfully claiming such improvements. And upon the payment of such valuation, the improvements so valued and paid for, shall pass to the United States, and possession shall not afterwards be permitted to any of the same tribe.*

*And be it further enacted, That upon the making of any such exchange as is contemplated by this act, it shall and may be lawful for the President to cause such aid and assistance to be furnished to the emigrants as may be necessary and proper to enable them to remove to, and settle in, the country for which they may have exchanged; and also, to give them such aid and assistance as may be necessary for*

their support and subsistence for the first year after their removal.

*And be it further enacted,* That it shall and may be lawful for the President to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

*And be it further enacted,* That it shall and may be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove, as contemplated by this act, that he is now authorized to have over them at their present places of residence: *Provided,* That nothing in this act contained shall be construed as authorizing or directing the violation of any existing treaty between the United States and any of the Indian tribes.

*And be it further enacted,* That for the purpose of giving effect to the Provisions of this act, the sum of five hundred thousand dollars is hereby appropriated, to be paid out of any money in the treasury, not otherwise appropriated.

## INTRODUCTION

On May 26, 1830, the Indian Removal Act of 1830 was passed by the Twenty-First Congress of the United States of America. After four months of strong debate, Andrew Jackson signed the bill into law. Land greed was a big reason for the federal government's position on Indian removal. This desire for Indian lands was also abetted by the Indian hating mentality that was peculiar to some American frontiersmen.

This period of forcible removal first started with the Cherokee Indians in the state of Georgia. In 1802, the Georgia legislature signed a compact giving the federal government all of her claims to western lands in exchange for the government's pledge to extinguish all Indian titles to land within the state. But by the mid-1820's Georgians began to doubt that the government would withhold its part of the bargain. The Cherokee Indian tribes had a substantial part of land in Georgia that they had had for many generations though. They were worried about losing their land so they forced the issue by adopting a written constitution. This document proclaimed that the Cherokee nation had complete jurisdiction over its own territory.

But by now Indian removal had become entwined with the state of Georgia's rights and the Cherokee tribes had to make their claims in court. When the Cherokee nation sought aid from newly elected president Andrew Jackson, he informed them that he would not interfere with the lawful prerogatives of the state of Georgia. Jackson saw the solution of the problem with the removal of the Cherokee tribes to lands west. This would keep contact between Indians and colonists rare. He suggested that laws be

past so that the Indians would have to move west of the Mississippi river.

Similar incidents happened between the other "civilized" tribes and white men. The Seminole tribe had land disputes with the state of Florida. The Creek Indians fought many battles against the federal army so they could keep their land in the states of Alabama and Georgia. The Chickasaw and Choctaw had disputes with the state of Mississippi. To ensure peace the government forced these five tribes called the Five Civilized Tribes to move out of their lands that they had lived on for generations and to move to land given to them in parts of Oklahoma. Andrew Jackson was quoted as saying that this was a way of protecting them and allowing them time to adjust to the white culture. This land in Oklahoma was thinly settled and was thought to have little value. Within 10 years of the Indian Removal Act more than 70,000 Indians had moved across the Mississippi. Many Indians died on this journey.

### **"The Trails of Tears"**

The term "Trails of Tears" was given to the period of ten years in which over 70,000 Indians had to give up their homes and move to certain areas assigned to tribes in Oklahoma. The tribes were given a right to all of Oklahoma except the Panhandle. The government promised this land to them "as long as grass shall grow and rivers run." Unfortunately, the land that they were given only lasted till about 1906 and then they were forced to move to other reservations.

The Trails of Tears were several trails that the Five civilized Tribes traveled on their way to their new lands. Many Indians died because of famine or disease. Sometimes a person would die because of the harsh living conditions. The tribes had to walk all day long and get very little rest. All this was in order to free more land for white settlers. The period of forcible removal started when Andrew Jackson became President in 1829. At that time there was reported to be sightings of gold in the Cherokee territory in Georgia which caused prospectors to rush in, tearing down fences and destroying crops. In Mississippi, the state laws were extended over Choctaw and Chickasaw lands, and in 1830 the Indians were made citizens which made it illegal to hold any tribal office. Also in Georgia, the Cherokee tribes were forbade to hold any type of tribal legislature except to ratify land cessions, and the citizens of Georgia were invited to rob and plunder the tribes in their are by making it illegal for an Indian to bring suit against a white man.

When President Jackson began to negotiate with the Indians, he gave them a guarantee of perpetual autonomy in the West as the strongest incentive to emigration.

The Five tribes gave all of their Eastern lands to the United States and agreed to migrate beyond the Mississippi by the end of the 1830's. The Federal agents accomplished this by bribery, trickery, and intimidation. All of the treaties signed by the Indians as the agreed to the terms of the removal contained guarantees that the

Indians, territory should be perpetual and that no government other than their own should be erected over them without their consent.

The land retained by the five civilized tribes was known as the Indian Territory. The 19,525,966 acres were divided among the five tribes. The Choctaws received 6,953,048 acres in the southeast part of Oklahoma; the Chickasaw received over 4,707,903 acres west of the Choctaws reservation; the Cherokees received 4,420,068 acres in the northeast; they received 3,079,095 acres southwest of the Cherokees; and the Seminoles purchased 365,852 acres which they purchased from their kin, the Creeks. The Chickasaw and the Choctaw owned their lands jointly because they were so closely related but the tribes still exercised jurisdiction over its own territory though.

Besides the land that the tribes obtained, they also received a large sum of money from the sale of its Eastern territories. This money was a considerable part of the revenue for the tribes and was used by their legislatures for the support of schools and their governments. The Cherokee nation held \$2,716,979.98 in the United States trust; the Choctaw nation had \$975,258.91; the Chickasaw held \$1,206,695.66; the Creek had \$2,275,168.00; and the Seminole had \$2,070,000.00 by the end of 1894.

After the end of the Trails of Tears, the conversion of all tribes to Christianity had been effected rapidly. The Seminoles and Creeks were conservative to their customs but other tribes were receptive to any custom considered superior to their own. The tribes found Christian teachings fitted to their own. Mainly the modernization change began at the end of the removal.

Andrew Jackson Gave a speech on the Indian removal in the year of 1830. He said, "It gives me great pleasure to announce to Congress that the benevolent policy of the government, steady pursued for nearly thirty years, in relation with the removal of the Indians beyond the white settlements is approaching to a happy consummation."

"The consequences of a speedy will be important to the United States, to individual states, and to the Indians themselves. It puts an end to all possible danger of a collision between the authorities of the general and state governments, and of the account the Indians. It will place a dense population in large tracts of country now occupied by a few savaged hunters. By opening the whole territory between Tennessee on the north and Louisiana on the south to the settlement of the whites it will incalculably strengthen the Southwestern frontier and render the adjacent states strong enough to repel future invasion without remote aid."

"It will separate the Indians from immediate contact with settlements of whites; enable them to pursue happiness in their own way and under their own rude institutions; will retard the progress of decay, which is lessening their numbers, and perhaps cause them gradually, under the protection of the government and through the influences of good counsels, to cast off their savage habits and become an interesting, civilized, and Christian community."

## **FORT GIBSON**

For two decades Fort Gibson was the base of operations for the American army as they tried to keep the peace. During the 1810's to 1830's, John C. Calhoun, James Monroe's secretary of war, tried to relocate several Eastern tribes beyond the area of the white settlements. Fort Gibson was brought up because it served as barracks for the army. The relocation area for the Eastern tribes was part of other tribes land. The other tribes wanted to protect it so they fought for it.

The soldiers from Fort Gibson began to make boundaries, construct roads, and escort delegates to the region. The soldiers also started to implement the removal process in other ways to. The soldiers of Fort Gibson were fiercely hated by the Indian tribes of that region. Yet during the many years of the Indian removal, there was never a clash between the soldiers or the tribes. An Indian was never killed by the Army. The soldiers at Fort Gibson served as a cultural buffer between the whites and the Indians.

The Fort was established in the 1820's by General Matthew Arbuckle. He served and commanded it through most of its two decades during the Indian removal. He wrote his last report from it on June 21, 1841.

## **THE CHEROKEE INDIANS**

The Cherokee Indians live in many parts of the United states, but more than 100,000 live in parts of Oklahoma. Many Cherokee have moved elsewhere. In the 1800's, the Cherokee Nation was one of the strongest Indian tribes in the United States. They were part of the Five Civilized Tribes.

The Cherokee Nation began to adopt the economic and political structure of the white settlers in the early 1800's. They owned large plantations and some even kept slaves. The Cherokee Nation was a form of republican government. A Cherokee Indian named Sequoya introduced a system of writing for the Cherokee language in 1821 also.

White settlers began to protest the Cherokee's right to own land in the early 1800'. They demanded that the Cherokee Nation be moved west of the Mississippi to make room for white settlers. Some members of the Cherokee Nation signed treaties with the government in 1835 agreeing to move to designated areas in Oklahoma. Most of the tribe did not want to be relocated so they opposed the treaty. But most of the Cherokees, led by Chief John Ross, were forced to move to the Indian Territory in the winter of 1838-1839. More than 17,000 Cherokees marched from their homes to Oklahoma. This march was called the Trail of Tears. Many Indians died on this

journey. Even though most of the Cherokee nation had

been forced to move, more than a 1,000 Cherokee escaped and remained in the Great Smoky Mountains, which is in parts of Tennessee and North Carolina. These tribes became known as the Eastern Band of Cherokee.

The Cherokee who went west reformed the political system that they had before. The Cherokee Nation set up schools and churches. But all this progress was stopped in the late 1800's. Congress voted to abolish the Cherokee Nation to open yet more land for settlement by whites. Today most of the Cherokee remain in northeastern Oklahoma, where they have reestablished their form of government.

## **CHICKISAW INDIANS**

The Chickasaw Indians were a tribe that lived in the southern United States. Their land included western Tennessee and Kentucky, northwestern Alabama, and northern Mississippi before the Indian removal. They were relocated to Oklahoma by the government in the 1830's.

The Chickasaw lived in several small villages with one- room log cabins. The people supported each other by trading with other tribes, fishing, farming, and hunting. Each village was headed by a chief.

The Chickasaw Indians were known as fierce warriors. They fought for Great Britain when they fought France and Spain for control of the southern United States. They also helped them fight against the colonists in the Revolutionary War (1775-1783). And During the Civil War, the tribe fought for the Confederacy (1861-1865).

The tribe was relocated to the Indian Territory in 1837 by the National Government. They also took part in the Trail of Tears. In 1907, the Chickasaw Indian territory became part of the new state of Oklahoma. About 5,300 Chickasaw descendants live in Oklahoma. They have a Democratic government in which they elect their leaders for the welfare of the tribe.

## **CHOCTAW INDIANS**

The Choctaw tribe originates from Alabama and Mississippi. They believed in the primitive ways and hunted and farmed to support themselves. They raised corn and other crops to trade with other Indians. They celebrate their crops with their chief religious ceremony which is a harvest celebration called the Green Corn Dance. One of their legends states that the Choctaw Indian tribe was created at a sacred mount

called Nanih Waiya, near Noxapater, Mississippi.

After the Indian Removal Act was passed, the Choctaw Indians were forced to move west in order to make room for more white settlers. They were forced to sign the Treaty of Dancing Rabbit Creek after fierce fighting with the United States army. This treaty exchanged the Indians land for the assigned Indian Territory in what is now Oklahoma. In the early 1830's, over 14,000 Choctaws moved to the Indian Territory in several groups. Although many groups of Indians were gone, over 5,000 Choctaws remained in Mississippi.

The Choctaws who moved to the Indian Territory established their own way of life. They modernized themselves by establishing schools and an electoral form of government. In the Civil War, the Choctaw Indians fought on the side of the Confederacy and when the south was defeated, they were forced to give up much of their land. Their tribal governments were dissolved by 1907, when Oklahoma became a state. It stayed that way until 1970 when they were recognized by congress and allowed to elect their own chief. Today, many Choctaw are farmers. About 11,000 still live in Oklahoma and nearly 4,000 still live in Mississippi as a separate tribe.

## **CREEK INDIANS**

The Creek Indians a part of a 19 tribal group that once resided in much of what is now Alabama and Georgia. Today, many of the 20,000 Creek Indians live in Oklahoma. The Muskogee and the Alabama are the largest Creek tribes. Most of them live north of the other Creek tribes. They are called the Upper Creeks. The lower Creek tribes belong to either Yuchi or Hitichi tribes.

In the 1800's, the Creeks fought wars with people trying to settle on their lands. They fought in the first and second Creek Wars. They were great warriors who attacked with the element of surprise. After the Battle of Horseshoe Bend, the Creeks were forced to sign a Treaty that made them give up their land. In the 1830's, they were forced to move to the Indian Territory in what is know Oklahoma. Very few Indians were left behind and they ones who did leave had to leave their belongings behind. The Creeks received very little payment for their lands.

The Creeks were forced to live in poverty for many years. Many Creeks are still very poor today. Some struggled with crops and became fairly prosperous. Much of the land given to them was not of much value. Also in 1890, a series of laws broke up many tribal landholdings of the Creeks and they were sold to individual Indians. After this, many Creeks were forced back into poverty.

## **SEMINOLE INDIANS**

The Seminole Indians are a tribe that used to reside in Florida in the early 1800's. The Seminole originally belonged to the Creek tribe. They broke apart from them and moved out of Alabama and Georgia and moved into Florida in the 1700's. They became known as Seminoles because the name means runaways.

The Seminoles opposed the United States when they came for the Seminole's land. The United States acquired Florida in 1819, and began urging them to sell their land to the government and to move to the Indian Territory along with the other southeastern tribes. In 1832, some of the Seminole leaders signed a treaty and promised to relocate. The Seminole tribe split at this time. After the Indians that agreed to move had gone, the other part of the tribe fought to keep their lands. They fled into the Florida swamps. They started the Second Seminole war (1835). This was fought over the remaining land that the Seminole had fled to. It lasted for seven years. 1,500 American men died and the cost to the United States was \$20 million. The Seminoles were led by Osceola until he was tricked by General Thomas Jessup. Osceola was seized and imprisoned by Jessup during peace talks under a flag of truce. Osceola died in 1838 when he was still in prison. After the war, many Seminoles moved west but still a small group stayed hidden in the Florida swamps.

<http://www.historicaldocuments.com/IndianRemovalAct.htm>